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July 22, 2022

VIA ECF

Hon. Vernon S. Broderick
United States District Court
Southern District of New York
Thurgood Marshall United State Courthouse
40 Foley Square, Room 415
New York, NY 10007
(212) 805-6165

APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 07/25/22

RE: *XXIII Capital Limited v. Lee*, Case No. 21-cv-8222 (VSB)
Joint Request for Adjournment of Time to File an
Application to Restore this Action to the Court's Calendar (or in the
Alternative, Application to Restore this Action to the Court's Calendar)

Dear Judge Broderick,

We are counsel to Plaintiff XXIII Capital Limited (“Plaintiff” or “Lender”) in the above-captioned action and write jointly with counsel for Defendant Robert Lee (“Defendant” or “Guarantor”) pursuant to the Court’s Individual Rules & Practices in Civil Cases, Rule 1(G) to request a 60-day adjournment to September 23, 2022 of the Court’s May 24, 2022 order (ECF No. 18, the “Order”) requiring that any application to restore this action to the Court’s calendar be made within 60-days from the Order (*i.e.*, until July 25, 2022, the first business day following the 60-day period).

As noted in our May 23, 2022 joint letter, the parties have reached an agreement in principle and are now close to finalizing the form of their settlement agreement. The 60-day adjournment to September 23, 2022 is needed, however, to both permit the parties time to finalize and execute the agreement and allow time for certain conditions precedent affecting settlement to occur. This is the first request for an adjournment of this date.

Accordingly, the parties respectfully **request a 60-day adjournment to September 23, 2022** of the time to file an application to restore this action to the Court’s calendar, pursuant to the Order. Alternatively, should the Court decline to adjourn this date, the parties respectfully request that this action be restored to the Court’s calendar pending finalization of settlement or other disposition.

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Should the Court have any further questions or require any additional information, please let us know.

Respectfully submitted,



Ashley A. LeBlanc

cc: All counsel of record via ECF